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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,397	09/05/2003	Harry Herzog	440070.401	8532
<div>500 7590 06/07/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104</div>				
			EXAMINER LARSON, JUSTIN MATTHEW	
			ART UNIT 3782	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/656,397

Applicant(s)

HERZOG, HARRY

Examiner

Justin M. Larson

Art Unit

3782

All participants (applicant, applicant's representative, PTO personnel):

(1) Justin M. Larson.

(3) Harold H. Bennett II.

(2) Nathan J. Newhouse.

(4) _____.

Date of Interview: 04 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: N/A.

Identification of prior art discussed: Corder, Jr (US 4,960,280) and Kristof (US 3,711,868).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Bennett has submitted proposed claim amendments and remarks which are attached to this interview summary. Regarding the claim amendments, Examiner is of the position that alternate claim 1 does not define over Corder, Jr. because a two-loop fastener can have more than two-loops. Examiner is of the position that alternate claim 7 defines over a fastener like Corder, Jr. as there cannot be more than two loops, however, this is a new issue that would require further consideration and/or further search. Examiner is of the position that alternate claim 7 does not define over Corder, Jr. because all of the loops of Corder, Jr. can be considered to be webbing as they are disclosed as being fabric. Regarding the remarks, Examiner is of the position that while Applicant, Corder, Jr., and Kristoff can arguably be considered as concerned with different field's of art, Corder, Jr. and Kristoff are reasonably pertinent to the particular problem with which the Applicant was concerned. Applicant was concerned with providing a multi-loop system having anti-slip means to help limit vibration felt on a user's arm. Corder, Jr. is concerned with a multi-loop system and Kristoff is concerned with an anti-slip means. Examiner notes that there is currently no anti-vibration means in claim 1, suggesting that the anti-vibration means was not Applicant's primary concern. SPE Newhouse informed Mr. Bennett of the pre-appeal process, suggesting the process as one means for obtaining a third party's opinion of the issues at hand. Examiner awaits a formal response by Applicant for further consideration and action in this case.


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER

1. (as currently presented) A fastener for use with a power landscaping tool, comprising:

a first loop including a plurality of elastomeric threads interwoven with non-elastomeric material such that the elastomeric threads are exposed on an inner surface of the loop, and means for adjusting the first loop to a selected size;

a second loop including means for adjusting the second loop to a selected size; and

means for coupling the first loop to the second loop.

1. (alternate) A two-loop fastener for use with a power landscaping tool, comprising:

~~a-the~~ first loop, including a plurality of elastomeric threads interwoven with non-elastomeric material such that the elastomeric threads are exposed on an inner surface of the loop, and means for adjusting the first loop to a selected size;

◦ ~~a-the~~ second loop, including means for adjusting the second loop to a selected size; and

means for coupling the first loop to the second loop.

1. (alternate) A two-loop fastener for use with a power landscaping tool, comprising:

~~a-the~~ first loop, including a plurality of elastomeric threads interwoven with non-elastomeric material such that the elastomeric threads are exposed on an inner surface of the loop, and means for adjusting the first loop to a selected size;

~~a-the~~ second loop, including means for adjusting the second loop to a selected size; and

means for coupling the first loop to the second loop.

2. (Original) The fastener of claim 1 wherein the second loop further includes means for damping vibrations emanating from the tool.

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3. (Original) The fastener of claim 1 wherein the first and second loops are webbing straps.

4. (Original) The fastener of claim 3 wherein the gripping means comprises a plurality of elastomeric threads woven into the webbing strap of the first loop.

5. (Original) The fastener of claim 1 wherein the adjusting means of the first and second loops comprise hook-and-loop surfaces

6. (Original) The fastener of claim 1 wherein the coupling means comprises a series of stitches coupling a first end of the second loop to the first loop.

7. (as currently presented) A support for use with a power tool, comprising:

a buckle;

a first strap having first and second ends, the first end configured to pass through a first side of the buckle and couple to the second end to form an adjustable first loop, the first strap having an elastomeric gripping surface comprising a plurality of elastomeric threads interwoven into a non-elastomeric material; and

a second strap having a first end attached to the first strap at a point in a middle region of the first strap, and a second end configured to pass through a second side of the buckle and couple to itself to form a second loop, the second loop sized to be affixable to a user's wrist.

7. (alternative) A support for use with a power tool and including not more than two loops, comprising:

a buckle;

a first strap having first and second ends, the first end configured to pass through a first side of the buckle and couple to the second end to form an adjustable first

loop, the first strap having an elastomeric gripping surface comprising a plurality of elastomeric threads interwoven into a non-elastomeric material; and

a second strap having a first end attached to the first strap at a point in a middle region of the first strap, and a second end configured to pass through a second side of the buckle and couple to itself to form a second loop, the second loop sized to be affixable to a user's wrist.

7. (alternative) A support for use with a power tool, comprising:
a buckle;

a first webbing material strap having first and second ends, the first end configured to pass through a first side of the buckle and couple to the second end to form an adjustable first loop, the first strap having an elastomeric gripping surface comprising a plurality of elastomeric threads interwoven into a non-elastomeric material; and

a second webbing material strap having a first end attached to the first strap at a point in a middle region of the first strap, and a second end configured to pass through a second side of the buckle and couple to itself to form a second loop, the second loop sized to be affixable to a user's wrist.

8. (Previously Presented) The support of claim 7 wherein the first strap is formed from a webbing material including the plurality of elastomeric threads interwoven into the webbing material.

9. (Original) The support of claim 7 wherein the second strap comprises a resilient member affixed to an inner surface thereof, configured to dampen vibrations transmitted by the support.

10. (Original) The support of claim 7 wherein the first strap includes hook and loop fasteners for adjustably coupling the first and second ends thereof to form the first loop.

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11. (Previously Presented) The support of claim 7 wherein the buckle includes first and second apertures, with the first strap passing through the first aperture, and the second aperture captured within a bight in the second end of the second strap to form the second loop.

12. (Original) The support of claim 11 wherein the second strap includes hook and loop fasteners positioned to couple the second end of the second strap to the second strap to form the bight therein.

13-25. (Cancelled)

26. (Previously Presented) The fastener of claim 1 wherein the second loop is sized to couple to an operator's wrist.

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Attn: Examiner Larson

Fax: 571-273-8649

Claims for consideration in Examiner interview - not for entry in file

Re: application No. 10/656,397

Hello Examiner Larson,

Attached is a claim set including some alternative versions of the independent claims.

There are a few points that I think are important to bear in mind:

- The standard for applicable prior art under 35 U.S.C. § 103 is different than under § 102; to rely on a reference under § 103, it must be analogous, i.e., "must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." (See MPEP 2141.01(a) I and IV). Thus, while the Corder reference is appropriate as prior art under § 102, for application under § 103 there would need to be a showing that Corder was in the field of supports for power tools, or pertinent to the problem of mitigation of injury due to long term exposure to vibrating tools.
- The Corder reference is directed to a training device for improving a player's golf swing, while the Kristof reference is from the apparel arts and is directed to a fabric waistband that is intended to be an integral part of a pair of trousers or a skirt. I think that there is a reasonable argument that these fields of art are sufficiently disparate that one of ordinary skill in the first would not, of necessity, be required to have an understanding of the second.
- Kristof teaches a waistband comprising a piece of fabric that is either sewn or folded to form multiple layers. Neither Kristof nor Corder teach elastomeric threads woven into a webbing material.
- Corder's invention comprises at least three loops. Thus, a device that is limited to two loops should be distinguishable over Corder.

When you have had a chance to look over these claims, give me a call to set up an interview. If Monday is possible, that would be great, inasmuch as I could then submit a written response Monday afternoon based on language we settle on. I can arrange to be in the office earlier or call you from my home if you want to set a time before about 11:00 EDT.

Regards,

Hal Bennett

206-694-4848